

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
SHAWNTAY NASHAY SHELTON,) CASE NO. 12-20370 JPK
) Chapter 13
Debtor.)

ORDER FOR HEARING REGARDING ASSERTED
SECURED STATUS OF CLAIM

At a hearing held on July 16, 2012, with respect to confirmation of the debtor's Chapter 13 plan, it came to the court's attention that the plan had not provided for claims asserted to be secured, including claim #3-1 filed on February 23, 2012 by Patients 1st ER Medical Consultants. This claim was signed by Attorney David T. Rolland, as counsel for the creditor. The claim asserts that the amount asserted by it as the debtor's indebtedness (\$1,303.19) is a secured claim. Accompanying the claim as an exhibit is a copy of a document entitled "Stipulation for Entry of Judgment and Order" filed on April 21, 2010 in the Hammond City Court.¹

Perhaps the court has missed something, but it would not appear that the entry of judgment in the Hammond City Court gives rise to a secured claim by virtue of a judicial lien. I.C. 33-35-5-7(a) states that a "city court is not a court of record". I.C. 33-35-5-8(a) states in part: "A judgment becomes a lien on real estate when a transcript of the judgment is filed with the clerk of the circuit court", with respect to a judgment of a city court. In Indiana, a judgment of a court of record – i.e., a circuit court or a superior court – even when entered on the judgment docket of that court does not constitute a lien on personal property by virtue of the entry of judgment alone. A judicial lien on real estate in a city court would appear to arise only

¹ The court has chosen this claim to determine an issue which has relatively recently arisen with respect to claims signed and filed by counsel for Komyatte & Casbon, P.C. on behalf of medical providers, which are asserted as secured claims, and with respect to which the sole documentation of a court proceeding in relation to the claim is a judgment entered by the Hammond City Court.

pursuant to I.C. 33-35-5-8(a), and there is no evidence in the record regarding claim #3-1 – or with respect to other claims asserted as secured in other cases – which evidences in any manner the filing of a transcript of the Hammond City Court judgment with the Clerk of the Lake Circuit Court.

IT IS ORDERED that a hearing will be held on **August 20, 2012, at 2:30 P.M.** to determine the secured status of claim #3-1.

IT IS FURTHER ORDERED that Attorney David T. Rolland shall personally appear to address the foregoing issues.

Dated at Hammond, Indiana on July 26, 2012.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:

Debtor, Attorney for Debtor

Trustee, US Trustee

David T. Rolland, Komyatte & Casbon, P.C., 9650 Gordon Drive, Highland, IN 46322

Komyatte & Casbon, P.C., 9650 Gordon Drive, Highland, IN 46322